

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED  
AUSTIN DIVISION

2005 FEB -2 AM 11:29

WESTERN DISTRICT OF TEXAS  
U.S. CLERK'S OFFICE

BY:  DEPUTY

NO.A-04-CR-203(1)-SS

UNITED STATES

§  
§  
§  
§  
§  
§

VS.

TERRENCE MITCHELL

**MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Attorney, Charles Popper, in the above styled cause, and respectfully moves the Court for permission to withdraw as attorney of Record, and would show the Court as follows:

I.

Attorney fulfilled his contractual obligations to the client by finishing his case through to the end with a plea and sentencing. Attorney visited the defendant twice in the T. Don Hutto jail following the sentencing on January 14, 2005. On these visits on January 21 and January 24, 2005 defendant expressed a wish *not* to appeal and defendant executed a waiver of right to appeal (Exhibit #1). Defendant gave notice of appeal to the Court on January 20, 2005, before the attorney visited him and received the waiver of appeal. Defendant has expressed his desire to attorney not to appeal and if he does want an appeal, he appears to not want the attorney to have any part of it.

WHEREFORE, PREMISES CONSIDERED, Attorney of Record, Charles D. Popper, respectfully prays that this Honorable Court grant this instant motion and permit him to withdraw.

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Respectfully Submitted

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CHARLES D. POPPER

Bar No.

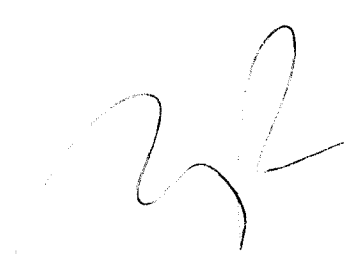
Law Offices of Charles D. Popper

713 W. 14<sup>TH</sup> Street

Austin, TX 78701

CERTIFICATE OF SERVICE

As Attorney of Record for Defendant, I do hereby certify that a true and correct copy of the above and foregoing document was delivered via facsimile to AUSA Liz Cottingham on this 2<sup>nd</sup> day of February, 2004.



IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED  
AUSTIN DIVISION  
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U.S. DISTRICT COURT  
AUSTIN, TEXAS

BY: \_\_\_\_\_ DEPUTY

UNITED STATES OF AMERICA

VS.

TERRENCE MITCHELL

§  
§  
§  
§  
§

CRIMINAL NO.  
A-04—CR-203(1)SS

WAIVER OF APPEAL

Comes now, TERRENCE MITCHELL, Defendant in the above referenced case and would make the following waiver of his right to appeal on the 24<sup>th</sup> of January, 2005:

I, Terrence Mitchell know that I have a federal right to appeal my case. I am choosing not to appeal my case.

Respectfully submitted,

Terrence Mitchell  
TERRENCE MITCHELL  
Defendant

1-24-05  
Date

Charles Popper  
CHARLES POPPER  
Attorney For Defendant  
713 W. 14<sup>th</sup>  
AUSTIN, TX 78701  
512 477 7111

1-24-05  
DATE

CERTIFICATE OF SERVICE  
As attorney for the defendant, I Charles Popper do hereby certify that a true and correct copy of the above and foregoing document was delivered via facsimile to AUSA Liz Cottingham on this the 24<sup>th</sup> day of January, 2005.

Charles Popper  
Charles Popper